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2 The Honorable John C. Coughenour
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**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

8 PATRICK S. DRAGOS,

9 Plaintiff(s),

10 v.

11 MICHAEL G. CORNEA, ET AL.,

12 Defendant(s).

No. 2:19-cv-01338-JCC-TLF

PRETRIAL ORDER

[proposed]

(Clerk's Action Required)

14 **I. JURISDICTION**

15 This Court has jurisdiction pursuant to 28 U.S.C. §1332. Venue is proper pursuant to 28
16 U.S.C. § 1391(b) (2) because Plaintiff's claim arose in the city of Seattle, County of King,
17 Washington.

18 **II. CLAIMS AND DEFENSES**

19 Plaintiff will pursue the following claims:

20 1. Defendant Michael Cornea, individually and on behalf of his marital community, was
21 negligent when he caused a rear-end collision between his car and Plaintiff Patrick Dragos's
22 car.

23 2. Plaintiff claims the subject collision caused him personal injuries and damages.

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1 The Defendant will pursue the following affirmative defenses:

2 1. Plaintiff's injuries and damages, if any, were caused by prior and/or subsequent
3 incidents and/or third-parties over which defendant had no control or right of control, including
4 but not limited to Coquese Renfroe. Defendant requests apportionment of Plaintiff's damages
5 pursuant to RCW 4.22.070 *et seq.*

6 2. Defendant will also present evidence to support its denial that the subject accident
7 proximately caused Plaintiff's injuries and damages as claimed.

8 Plaintiff objects and contends that Defendant's first affirmative defense is not proper under
9 the law.

10 **III. ADMITTED FACTS**

11 1. Plaintiff, Patrick Dragos is a citizen of the United States, currently residing in
12 Auburn, Washington. During all times relevant to this lawsuit, Mr. Dragos resided in King
13 County, Washington.

14 2. Defendant Michael Cornea is a citizen of the United States, currently residing in
15 the State of Alaska as of September 2021. At all times relevant to this lawsuit, prior to moving to
16 Alaska, Mr. Cornea resided in Portland, County of Cumberland, Maine.

17 3. On October 8, 2016, Defendant Michael Cornea rear-ended Plaintiff Patrick Dragos
18 at a red light at Jackson Street and Fourth Avenue, in Seattle.

19 4. Defendant Michael Cornea admits liability for the subject accident, but disputes
20 that the subject accident proximately caused the injuries and damages alleged.

21
22 **IV. ISSUES OF LAW**

23 1. Whether Plaintiff's claimed injuries and damages were proximately caused by the
24 October 8, 2016 rear-end motor vehicle collision?

2. Whether Plaintiff's claimed injuries and damages were proximately caused or contributed to by a subsequent collision involving non-party Coquese Renfroe?

Plaintiff objects and contends that the second issue is not proper under the law.

V. EXPERT WITNESSES

(a) Each party shall be limited to 4 expert witness(es) on the issues of damages.

(b) The name(s) and addresses of the expert witness(es) to be used by each party at the trial and the issue upon which each will testify are:

(1) On behalf of Plaintiff:

a. Frank Marinkovich, MD
Eastside Family Health Center
11415 Slater Ave NE
Kirkland, WA 98033
425-899-2525

Will testify

Dr. Marinkovich will be called as an expert to provide relevant and material testimony regarding history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, reasonableness and necessity of Plaintiff's medical bills and health care costs, medical disability causing past and future wage loss, the effect the injuries have had on his day-to-day life, observations regarding Plaintiff's pain suffering, and discomfort and such other testimony as deemed relevant by the trial judge and trier of fact. This expert will further provide testimony as to the permanent impairment that Plaintiff has sustained as a result of his injuries.

This expert will base his testimony on his treatment of Plaintiff, his assessment of the evidence, interrogatory responses, deposition testimony, inspection of the evidence, and any other documentation this expert feels is pertinent to his evaluation, as well as his training, knowledge, and experience in this field.

b. Jason Wilcox, MD Will testify
Orthopedic Physician Associates

601 Broadway, 6th Floor
Seattle, WA 98122
206-309-4762

Dr. Wilcox will be called as an expert to provide relevant and material testimony regarding history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, reasonableness and necessity of Plaintiff's medical bills and past and future health care costs, medical disability causing past and future wage loss, the effect the injuries have had on Patrick Dragos's day-to-day life, observations regarding Plaintiff's pain suffering, and discomfort, and such other testimony as deemed relevant by the trial judge and trier of fact.

This expert will base his testimony on his treatment of Plaintiff, including the right hip arthroscopic labral repair, his assessment of the evidence, as well as his training, knowledge, and experience in this field.

c. Carla Haney, PT
Northwest Return to Work
19221 36th Ave. W., Suite 101
Lynnwood, WA 98036
425-774-9564

Ms. Haney is a licensed physical therapist with Bachelor of Science degrees in psychology and physical therapy from the University of Puget Sound. She has been involved with functional capacity evaluations for more than 20 years. She has several years of experience in both outpatient orthopedic and industrial rehabilitation. She will be called as an expert to provide relevant and material testimony regarding Plaintiff's ability to perform work activities, Plaintiff's physical capacity level, individual job analyses, and the need for specific work restrictions and/or treatment recommendations.

This expert will base her testimony on her examination of Plaintiff, assessment of the evidence, as well as her training, knowledge and experience in this field.

d. John Berg, M.Ed. Will testify
Vocational Consulting, Inc.
3515 SW Alaska Street
Seattle, WA 98126
(206) 933-8870

John Berg, M.Ed., is a vocational counselor who will provide testimony of Plaintiff's past and future economic damages, including past wage loss, loss of future earnings capacity, loss of fringe benefits, future costs of professional services, future cost of medication and loss of home services, taking into consideration the Plaintiff's injuries, age, health, life expectancy, occupation, education, training, and habits. Mr. Berg will also take into account Plaintiff's medical records and any future vocational testing. Mr. Berg, a vocational counselor, may also testify to the extent of Plaintiff's future long term vocational employment opportunities.

(2) On behalf of defendant:

a. James Harris, M.D. Will Testify
c/o AMG, Inc.
700 NW Gilman Blvd #147
Issaquah, WA 98027

Dr. Harris has reviewed the medical records of Plaintiff Patrick Dragos and performed an independent medical examination on January 2, 2020. He will opine regarding plaintiff's medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, and reasonableness and necessity of plaintiff's medical treatment and expenses.

b. William E. Partin, CPA, ABV, MAFF, CFE Will Testify
Mueller & Partin, PS, Inc.
Washington Federal Center
400 108th Avenue N.E., Ste. 615
Bellevue, WA 98004

Defendant has retained William E. Partin, a forensic economist and business valuation expert, to review documentation in this case and offer opinions and testimony regarding plaintiff's claims for lost compensation and the value of same.

c. Jason Wilcox, M.D. (possible defense witness only)
Orthopedic Physician Associates
601 Broadway, 6th Floor
Seattle, WA 98122
206-309-4762

To the extent, Dr. Wilcox is not called to testify by Plaintiff, Defendant will call Dr. Wilcox to provide relevant and material testimony regarding plaintiff's medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, and past and future medical treatment.

d. William B. Skilling, MA, CRC, CDMS, CLCP Will Testify
4311 55th Ave NE
Seattle, WA 98105

Defendants retained William B. Skilling, a life care planning and vocational rehabilitation expert, to review documentation of this case and offer opinions and testimony regarding Plaintiff's allegations pertaining to life care and vocational requirements arising out of the October 8, 2026, motor vehicle collision.

Plaintiff submits that Dr. Wilcox was not disclosed as a defense expert witness and is not now properly called as an expert witness by the defense.

VI. OTHER WITNESSES

(a) On behalf of Plaintiff:

1. Patrick S. Dragos
17925 SE 346th St
Auburn WA 98092
425-736-6890
Will testify

1 Plaintiff Dragos will testify to the events and circumstances of the motor vehicle collision
2 and his injuries, physical and emotional, pain and suffering, limitations, disability and the effect on
3 his day-to-day life, and damages, which are the subject of this lawsuit.

4 2. Tiana Dragos Will testify
5 17925 SE 346th St
6 Auburn WA 98092
7 (206)-271-8343

8 Tiana Dragos is Plaintiff's wife and will testify as to how his physical and emotional injuries
9 have affected his day-to-day life, and the scope of her testimony will be based on her personal
knowledge of P

10 3. Marcus Williams Will testify
11 19202 SE 242nd Pl
12 Covington, WA 98042
13 425-761-1292

14 Marcus Williams is Plaintiff's friend and former co-worker and will testify as to how
15 Plaintiff's physical and emotional injuries have affected his day-to-day life, and the scope of his
testimony will be based on his personal knowledge of Plaintiff both before and after the injury
occurred.

16 4. Kyle Bova Will testify
17 229 Toleak Ave
18 Ocean Shores, WA 98569
19 702-306-6919

20 Kyle Bova is Plaintiff's friend and former co-worker and will testify as to how Plaintiff's
21 physical and emotional injuries have affected his day-to-day life, and the scope of his testimony
22 will be based on his personal knowledge of Plaintiff both before and after the injury occurred.

23 5. Mike McMerty Will testify
24 4255 S. 160th St.
Tukwila, WA 98188
206-617-5778

1 Mike McMertry is Plaintiff's friend and former co-worker and will testify as to how
 2 Plaintiff's physical and emotional injuries have affected his day-to-day life, and the scope of his
 3 testimony will be based on his personal knowledge of Plaintiff both before and after the injury
 4 occurred.

5 (b) On behalf of defendant:

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 7 1. Defendant Michael Cornea (possible witness only)
 8 c/o Mix Sanders Thompson, PLLC
 9 1420 Fifth Ave, Suite 2200
 10 Seattle, WA 98101

11 Mr. Cornea may testify concerning the facts and circumstances surrounding the subject
 12 accident.

13 **VII. EXHIBITS**

14 Plaintiff's Exhibits:

Exh. #	Description	Authenticity	Admissibility	Objection	Admitted
1	Patrick Dragos's Medical Records – Proliance Orthopedics Associates	Stipulated	Stipulated		
2	Patrick Dragos's Medical Records – Pettet Chiropractic	Stipulated	Disputed	801-802; F	
3	Patrick's Dragos's Medical Records- Orthopedic Physicians Associates Records	Stipulated	Disputed	801-802; F	
4	Patrick Dragos's Medical Records	Stipulated	Disputed	F	

1	– Seattle Surgery Center				
2	5 Patrick Dragos's Medical Records – Balance Chiropractic Center – DC	Stipulated	Disputed	801-802; F	
3	6 Patrick Dragos's Medical Records – Balance Chiropractic – LMT	Stipulated	Disputed	F	
4	7 Patrick Dragos's Medical Records - Auburn Sports Physical Therapy	Stipulated	Disputed	F	
5	8 Patrick Dragos's Medical Records - Frank Marinkovich, M.D.	Stipulated	Disputed	F	
6	9 Patrick Dragos's Medical Records – Pacific Medical Inc.	Stipulated	Disputed	801-802; F	
7	10 Patrick Dragos's Medical Bills – Proliance Orthopedic Associates	Stipulated	Disputed	F	
8	11 Patrick Dragos's Chiropractic	Stipulated	Disputed	F	
9	12 Patrick Dragos's Medical Bills – Orthopedic Physicians Associates	Stipulated	Disputed	F	
10	13 Patrick Dragos's Surgery Center Medical Bills – Seattle	Stipulated	Disputed	F	
11	14 Patrick Dragos's Medical Markowitz & Associates - Bills	Stipulated	Disputed	F	
12	15 Patrick Dragos's Medical Bills -	Stipulated	Disputed	F	

1	Balance Chiropractic Center				
2	16 Patrick Dragos's Medical Bills Balance Chiropractic – Massage Therapy	Stipulated	Disputed	F; D	
3	17 Patrick Dragos's Medical Bills - Auburn Sports Physical Therapy	Stipulated	Disputed	F	
4	18 Frank Marinkovich, M.D. -Medical Bills	Stipulated	Disputed	F	
5	19 Patrick Dragos's Medical Bills - Cabrini Tower Pharmacy	Stipulated	Disputed	F	
6	20 Patrick Dragos's Medical Bills - Pacific Medical, Inc.	Stipulated	Disputed	F	
7	21 Patrick Dragos's Tax Return Schedules	Stipulated	Stipulated		
8	22 Patrick Dragos's Social Security Administration Itemized Statement of Earnings	Stipulated	Stipulated		
9	23 Photos of Patrick on ironworker job sites prior to the collision	Disputed	Disputed	F	
10	24 Photos of Patrick with his family	Disputed	Disputed	F	
11	25 Timeline of Patrick Dragos's medical treatment	Disputed	Disputed	403; 801-802; F	

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24 Defendant's Exhibits:

Exhibit No.	Description	Authenticity	Admissibility	Objection	Admitted
A-1	Photos of property damage to Dragos vehicle	Stipulated	Disputed	401, 402, 403 F	
A-2	Estimate of repair for Dragos	Stipulated	Disputed	401, 402, 403, 802 F	
A-3	Photos of property damage to Cornea vehicle	Stipulated	Disputed	401, 402, 403 F	
A-4	Estimate of repair for Cornea vehicle	Stipulated	Disputed	401, 402, 403, 802 F	
A-5	Photos of property damage to Dragos vehicle from Nov. 13, 2019 Accident	Stipulated	Disputed	401, 402, 403 F	
A-6	Estimate of repair for property damage to Dragos vehicle from Nov. 13, 2019 Accident	Stipulated	Disputed	401, 402, 403, 802 F	
A-7	Patrick Dragos Medical Records – Seattle Surgery Center	Stipulated	Stipulated		
A-8	Patrick Dragos Medical Records –	Stipulated	Stipulated		

1	Eastside Family Health Center				
2	A-9	Patrick Dragos Medical Records – OPA Ortho	Stipulated	Stipulated	
3	A-10	Select MRI Films from OPA Ortho	Stipulated	Stipulated	
4	A-11	Patrick Dragos Medical Records – Balance Chiropractic Center	Stipulated	Stipulated	
5	A-12	Patrick Dragos Medical Records – Petett Chiropractic	Stipulated	Disputed	401, 402, 403 F MIL
6	A-13	Patrick Dragos Medical Records – Auburn Sports Physical Therapy	Stipulated	Stipulated	
7	A-14	Patrick Dragos Medical Records – Proliance Orthopedic Associates	Stipulated	Stipulated	
8	A-15	Patrick Dragos Medical Records – Valley Orthopedic Associates	Stipulated	Disputed	401, 402, 403 F MIL
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1	A-16	Certificate of Formation for Dragos Construction, LLC	Stipulated	Stipulated		
2	A-17	Blast Defectors – Records RE Dragos Construction LLC	Stipulated	Stipulated		
3	A-18	Patrick Dragos SSA Statement of Earnings	Stipulated	Stipulated		
4	A-19	Patrick and Tiana Dragos Tax Returns	Stipulated	Disputed	401, 402, 403 Privacy LCR 16	
5	A-20	Dragos MRI film -Exhibit from Dr. Wilcox Dep	Stipulated	Disputed	F	
6	A-21	Summaries of Dragos Economic Loss	Stipulated	Disputed	802	

15 The Parties' Objection Codes:

F	Lack of Foundation
D	Duplicative
MIL	Subject of Motion in Limine

19 VIII. ACTION BY THE COURT

20 (a) This case is scheduled for trial before a jury on October 26, 2021, at 9:30 a.m.

21 (b) Trial briefs shall be submitted to the court on or before October 15, 2021.

22 (c) Jury instructions requested by either party shall be submitted to the court on or before October 15, 2021. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before October 15, 2021.

1 (d) Plaintiff's Motion in Limine to exclude the expert testimony of Defendant's proffered
2 expert Bradley Probst was granted (Dkt. No. 96).

3 This order has been approved by the parties as evidenced by the signatures of their
4 counsel. This order shall control the subsequent course of the action unless modified by a
5 subsequent order. This order shall not be amended except by order of the court pursuant to
6 agreement of the parties or to prevent manifest injustice.

7 DATED this 12th day of October, 2021.

8 
Honorable John C. Coughenour
United States District Judge

9
10 
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Kaci, certify that on October 11, 2021, I caused to be served a true and correct copy of the foregoing PRETRIAL ORDER with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

James F. Gooding
Adrienne E. Harris
Anne Vankirk
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

s/Kaci Clariza
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